

SPECIAL ACTS AND RESOLUTIONS

OF THE

State of Connecticut

WITH

APPENDIXES

CONTAINING

A LIST OF JOINT STOCK CORPORATIONS ORGANIZED UNDER
GENERAL LAW FROM MAY 1, 1909, TO JUNE 30,
1913, AND OF OTHER CORPORATIONS ORGAN-
IZED UNDER GENERAL LAW FROM
JULY 1, 1909, TO JUNE 30, 1913.

VOLUME XVI—1911 AND 1913



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HARTFORD:
PUBLISHED BY THE STATE
1914

[Substitute for Senate Joint Resolution No. 63.]

[367.]

INCREASING THE POWERS OF THE BOARD OF WATER COMMISSIONERS
OF THE CITY OF HARTFORD.

Resolved by this Assembly:

SECTION 1. That the board of water commissioners of the city of Hartford, for the purpose of improving and increasing the water supply of said city, is hereby authorized, in behalf of said city, to take and hold the stream known as the Nepaug river, entering the Farmington river at a point one mile, more or less, above the village of Collinsville, in the town of Canton, at some point above where it enters the Farmington river, and also the stream known as Phelps brook, entering the Farmington river at a point one mile, more or less, below said Collinsville, at some point above where it enters the Farmington river, together with all streams and water sources connected with and feeding said Nepaug river and Phelps brook above the points of taking, respectively, excepting therefrom, however, the waters of Little brook, so called, in the town of New Hartford, or its watershed as already appropriated by the Collinsville Water Company. Said board of water commissioners is further empowered to take and to hold any lands or property, rights of way, easements, or other rights, whether owned by individuals or by corporations, either public or private, which said board may deem necessary or convenient for constructing aqueducts, reservoirs, and other works for the purpose of storing and utilizing such water supply, and for laying pipes and mains for conveying the same from said reservoirs to the city of Hartford, and for protecting the purity of said waters, and which may be necessary or convenient for the purposes of carrying out the provisions of this resolution.

SEC. 2. Said board of water commissioners may construct and maintain, on lands so taken, dams, dykes, reservoirs, buildings, and other works and structures which said board may deem necessary or convenient for taking, storing, purifying, controlling, measuring, and distributing the waters hereinbefore authorized to be taken, or for any other purpose of this resolution, and, for the purpose of conveying the waters of said Nepaug river and said Phelps brook to the city of Hartford and utilizing the same to increase its water supply, may construct, lay, carry, maintain, and repair such canals, tunnels, pipes, telephone wires, or other works as may be necessary or convenient for such purpose, through or over any lands, rivers or other water courses, railroads, street railways, or public or private ways, and over and upon any public bridge now existing or hereafter built; may contract with the public authorities owning or controlling any public bridge or bridges hereafter built for adaptation thereof to the use herein provided, on such terms as may be agreed upon, for the purposes of

this resolution; may open the ground in any private or public way in any city or town in which any portion of said works is located, under the direction of the selectmen or other proper authority thereof, or, if control be exercised by the state over any highway so opened, under the direction of the highway commissioner, in such manner as to cause no unreasonable hindrance to public travel, and shall hold such city or town harmless from all liability for, and indemnify such city or town for, all damages suffered and expenses incurred by it from any cause resulting from such acts of said board.

SEC. 3. If said board of water commissioners shall introduce water into said city of Hartford under the authority given by this resolution, said board of water commissioners shall supply water to any inhabitants of the cities or towns through which the line of main pipes conducting said water to the city of Hartford shall pass, upon the same terms and conditions as water is now supplied by said board to the inhabitants of the town of West Hartford, or upon such other reasonable terms and conditions as may be agreed upon; but said board of water commissioners shall not sell water in any such town or city in competition with any other company or system now having authority to supply water in such town or city, except that said board of water commissioners may sell water at wholesale to any such company or system desiring the same.

SEC. 4. Said board of water commissioners is hereby further authorized to build, on the East Branch of the Farmington river, which enters the Farmington river at a point four and one-half miles, more or less, above said Collinsville, a dam at a point on said East Branch of the Farmington river, in the vicinity of the iron bridge over said East Branch near "Richard's Corner", so called, in the town of New Hartford, with all necessary spill-ways, locks, gates, and appliances for regulating the discharge and flow of water, according to the plans for the construction of said dam which have been prepared by said board of water commissioners, which dam shall be not more than seventy feet high above the bed of said East Branch at the point where the same is built, and there to construct a reservoir for storing and ponding the waters of said East Branch of the Farmington river, at times of excess flow in the Farmington river, with authority to use said water so stored for the purpose of returning, to said Farmington river, water in lieu of waters of said Nepaug river and Phelps brook diverted from said Farmington river as hereinbefore provided, and to make and enter into contracts and agreements with any person or corporation affected by any such diversion, providing that said water so stored, ponded, and returned to said Farmington river from said reservoir on said East Branch of the Farmington river shall be in lieu, in full or in part, of damages resulting to such person or corporation by reason of such diversion, and to make any and all such contracts, agreements, and conveyances as may be necessary or convenient to provide for the ownership, maintenance,

care, and control of said reservoir on said East Branch of the Farmington river; and all contracts heretofore made by said board of water commissioners in connection therewith are hereby ratified and confirmed.

SEC. 5. Before any highway is overflowed by reason of any dam erected under authority given by this resolution and before any change of location or grade of any such highway is made, said board of water commissioners shall cause a plan to be made, showing the highway or highways which it proposes to alter, with the present course and grade thereof, and the proposed new highway or highways and the proposed new lines and grades thereof, so as to fully show the changes proposed to be made. Such plan shall be presented to the selectmen of each town within which any such highway is or is to be located, and said selectmen shall, within fifteen days thereafter, issue a call for a meeting of the legal voters of such town, to be held within ten days after the issuing of such call, and shall submit such plan to such meeting for its consideration. Such meeting may adopt, make additions to, modify, or reject such plan or any part thereof, and, within ten days after such meeting, and in accordance with the vote thereof, said selectmen shall notify said board of water commissioners of the decision thereon or of such modifications therein as have been made. Said board may, if it so desires, thereupon present other plans, in the manner hereinbefore provided, until said board and said local authorities shall agree, in the manner herein provided, upon a plan for such change. The proceedings, orders, and decisions of any town, as aforesaid, shall be in writing, and shall be recorded in the records of the town. The refusal or neglect of any such town to take action in regard to any plan submitted to it by said board of water commissioners as hereinbefore provided, or the refusal or neglect of any such selectmen to notify said board of the decision of the town in regard to any such plan, as hereinbefore provided, shall be deemed a decision by said town not to approve and accept such plan. Said board of water commissioners shall not make any such change in any highway or in any bridge in any town except in accordance with the plan accepted by said authorities as aforesaid, or as hereinafter provided.

SEC. 6. If said board of water commissioners and any town affected by any change of location or grade of any highway cannot agree upon any plan as hereinbefore provided, said board of water commissioners may prefer its petition to the superior court for the county in which such highway is located, asking for the appointment of a committee as hereinafter provided. Such court shall make such order as it may deem proper as to notice, to be given to all parties interested in said proposed alterations of the highway or highways of any town, of the time and place of hearing of said petition, and such order shall be served upon the adverse party or parties at least twelve days before the time fixed for such hearing. Unless the parties shall agree as to the judgment to be rendered, such court shall appoint the

state highway commissioner as a committee, or, in the event of his inability or refusal to act, a committee of three disinterested freeholders, not residents of the town of Hartford or of the town wherein such highway or highways are or are to be located or are to be relocated, which committee, after such notice to the parties interested as may be ordered by such court, shall fully hear said board of water commissioners and all parties interested, and shall thereupon make such changes in the plans for the alteration of such highway or highways as said committee may judge to be necessary for the purposes of carrying out the provisions of this resolution, and survey and lay out the same, and shall report, in writing, its doings to such court. All persons or parties interested in the alteration of such highway or highways may appear before such court and remonstrate against the acceptance of the report of the committee for any irregularities or improper conduct on its part, and the court may set aside such report for good cause shown; if the court shall be of opinion that such report ought to be accepted, it shall accept the same. Said board of water commissioners shall cause such highway or highways to be constructed in accordance with the plans agreed upon as hereinbefore provided or, in the event that no plans are so agreed upon, in accordance with the terms and provisions of the report of said committee.

SEC. 7. Said board of water commissioners shall have power to make any contract of purchase for acquiring title to any land, water right, franchise, or other property required for or affected by such reservoirs, and for acquiring title, in the respective towns, to rights of way for such highways.

SEC. 8. If said board of water commissioners cannot agree with any owner upon the amount to be paid him for any land or other property to be taken for such reservoirs or for such new highways, or as to the amount of damages which ought to be awarded to any party claiming to be injured by the doings of said commissioners hereunder, said board may prefer its petition to the superior court for the county wherein such property so to be taken or damaged is located, or, if such court be not in session, to any judge thereof, praying that such compensation may be determined. Such court or, if such court be not in session, any judge thereof, may thereupon cause such notice of said petition to be given as such court or judge shall prescribe, and after approval thereof may appoint three disinterested freeholders to examine such property as is to be taken by or damaged by the acts of said commissioners under this resolution, including all damages for any land or water right, title, privilege, easement, franchise, or other property which may be required, taken, or impaired for the purposes of this resolution; and said committee, being duly sworn to a faithful discharge of its duties, shall estimate the amount of compensation which said owners or parties affected shall receive, and report the same in writing to such court. Such court may thereupon confirm the doings of said appraisers and direct whether said board of water

commissioners shall pay the amounts so reported, in such manner as such court may prescribe, in full compensation for the property acquired or the injury done by the acts of said board; and on compliance with the order of such court said board may proceed with the construction of its dams, reservoirs, and other works provided for by this resolution, without any liability upon any further claim for compensation for damages, and said board shall thereupon have authority to change said highways overflowed or to be overflowed by reason of the dams erected or to be erected under the authority of this resolution, and to lay out and construct a new highway or highways or to alter old highways, in the places and manner described in the plans hereinbefore provided for; but no highway so proposed to be changed shall be in any way discontinued or obstructed, nor shall public travel thereon be interfered with, until a new highway in lieu thereof has been constructed in accordance with the provisions of this resolution.

SEC. 9. All bridges required to be constructed on new or altered highways by reason of the building of said East Branch reservoir shall be of plate girder construction, with reinforced cement concrete flooring, resting on solid abutments laid in cement mortar, and all culverts and sluices on such new or altered highways shall be of stone or cement concrete construction, of sufficient capacity, and the plans, profiles, and specifications therefor and the construction thereof and of the highways upon which the same are located shall conform in all respects to the standard required by the highway commissioner for the construction of highways under the provisions of the general statutes, and be subject to inspection and approval by or under the direction of said highway commissioner and the selectmen of the town in which the same are located.

SEC. 10. If, to carry out the purposes of this resolution, any cemetery or land owned by any cemetery association is to be taken by said board of water commissioners and it becomes necessary to remove such cemetery from its present location and to establish it in another place, the owner or owners of such cemetery, or if there be no known owner or owners, or if such owner or owners neglect or refuse to act under the provisions of this resolution, said board of water commissioners, if land therefor cannot be acquired otherwise, may prefer a complaint to the superior court for the county in which such cemetery is located for authority to take other land which such owner or owners or said board, as the case may be, may consider proper to be used for cemetery purposes in lieu of that taken under the provisions of this resolution; and such court may appoint a committee of three disinterested persons who, after examining the premises and hearing the parties, shall report to the court as to the propriety of such taking and as to the quantity, boundaries, and value of the land which said committee deems proper to be taken for said purposes, and the damages resulting from such taking; and if said

committee shall report that such taking is proper and the court shall accept such report, the decision of the court thereon shall have the effect of a judgment, and execution may be issued thereon, accordingly, in favor of the person in whose favor damages are assessed, for the amount thereof; and upon payment thereof the title to the land, for such purposes, shall be vested in such owner or owners of the cemetery taken under the provisions of this resolution, if known, or, if not known, in the name of the town in which such cemetery is located; but such land shall not be taken until such damages shall be paid to the owner or deposited with the treasurer of the county for his use, which payment or deposit shall be made within thirty days after such report shall be accepted. If such application shall be denied, the owner of the land shall recover, from the applicant or applicants, costs, to be taxed by the court, and the court may issue execution therefor. The owner or owners of such cemetery, or, in the event that such owner or owners neglect or refuse to act, said board of water commissioners, shall have authority to lay out and establish a new cemetery in place of any taken hereunder, and, in all cases where the friends or relatives of those buried in any cemetery so taken do not otherwise provide, to remove the bodies buried in such cemetery, together with the monuments and other property of such cemetery, and place them in proper manner in the new cemetery herein provided for. Said board of water commissioners shall pay all costs incurred under the provisions of this section and shall reimburse the owner or owners of any such cemetery so taken for all expense or liability of any kind incurred in the taking, laying out, or establishing of any new cemetery or in removing the bodies, monuments, and other property from such cemetery so taken to any established in place thereof, and shall also bear all expense incurred in the removal of bodies and monuments, by friends or relatives, to cemeteries other than those hereinbefore referred to.

SEC. 11. Said board of water commissioners is hereby authorized to enter upon any land or water for the purpose of making surveys necessary to be made for the purposes of this resolution, and said board of water commissioners shall pay all costs, including costs of committees, incurred in the taking of lands, rights of way, and property for any purpose under the provisions of this resolution, not otherwise provided for herein; and all land taken for any of said purposes shall be set in the list, in the town in which said land is situated, to the board of water commissioners of the city of Hartford, and such land shall be assessed at the average assessed valuation per acre of the improved farming land in said town.

SEC. 12. When lands, rights, or other property, or any interest therein, taken or affected under the provisions of this resolution, are owned by an infant, or a married woman, or an insane person, or by a person unknown or absent from this state, or where any person is the owner of a contingent or uncertain interest therein, the superior court,

or any judge thereof, may make such order for service of process upon such person, or for giving notice to any such person of the pendency of proceedings under this resolution, or for the appointment of a guardian, conservator, trustee, or other representative for such person, as such court or judge shall determine, and thereupon all proceedings hereunder shall be binding upon the interest of such person in such lands, rights, and property, and such court or judge may make orders to protect the rights, title, and interest of any such person, taken or affected by or under the provisions of this resolution.

SEC. 13. The resolution increasing the powers of the board of water commissioners of the city of Hartford approved May 5, 1897, is hereby repealed.

Approved, August 2, 1911.

[Substitute for House Joint Resolution No. 138.]

[368.]

AUTHORIZING THE CITY OF HARTFORD TO ISSUE BONDS FOR THE
PURCHASE OF A SITE FOR A NEW HIGH SCHOOL BUILDING.

Resolved by this Assembly:

SECTION 1. That the court of common council of the city of Hartford is hereby authorized to issue bonds, under the corporate name and seal of said city, bearing interest at no greater rate than four and one-half per centum per annum, to an amount not exceeding two hundred thousand dollars, the principal of which bonds shall be payable at some certain time or times within fifty years from the issuing of the same, as said court of common council may direct; and said court of common council may prescribe, subject to the limitations of this resolution, the amount for which said bonds shall be issued, provided that they shall not be issued at less than par, the form thereof, the rate of interest, and the time of payment of the interest thereon, and whether said bonds shall be payable in gold coin or legal tender of the United States. Said bonds shall be denominated "Additional High School Bonds of the City of Hartford", and the avails thereof shall be applied to and expended for the payment of the cost of the purchase of a site for a new high school building in the city of Hartford, the cost of completing the plans of such building and securing bids for the erection of the same, the expense of carrying out any of the other duties laid upon the high school building commission of said city of Hartford, and funding the principal sum of the temporary loans to said city for said purposes, or any of them, and for no other purpose; and said bonds, when issued and delivered, shall be obligatory upon said city and the inhabitants thereof according to the tenor and purport of the same.